

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 20, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVIICH (left at approximately 11:35 p.m.)
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 7:35 p.m. Mayor French made a motion, seconded by Councilwoman Killian and unanimously carried to immediately adjourn into executive session to discuss attorney/client matters. Councilman Filippi arrived at 7:50 p.m. Councilman Sack did not attend the executive session. Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the executive session at 7:59 p.m.

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements

The Land Use Center of Pace University Affordable Housing meeting was canceled due to scheduling conflicts and will probably be rescheduled to a date in December.

4. Approval of the election of one new member to the Rye Fire Department

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the election of Connor Stetler to the Poningo Hook and Ladder Company as approved by the Board of Fire Wardens at their November 5, 2013 meeting.

5. Draft unapproved minutes of the regular meeting of the City Council held November 6, 2013 and the Budget Workshop held November 13, 2013

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the minutes of the regular meeting of the City Council meeting held on November 6, 2013, as submitted.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, with Mayor French and Councilwoman Killian recusing themselves, to approve the minutes of the Budget Workshop of the City Council held on November 13, 2012, as submitted.

6. Mayor's Management Report

- Update on General Code Revision Project

This item was deferred.

- Capital Projects Update

City Manager Pickup reported that the Blind Brook Lodge parking lot should be completed before Thanksgiving. There will be temporary lighting due to issues with the delivery of the permanent lighting but the space will be able to be occupied

- Legal Update
- Kirby Lane Sewer Meeting – the mediator was present and explained the process to those present. Both districts have been asked to appoint representatives to come and participate in a mediation process in order to come back to the Council with an apportionment recommendation in 2014.
- Beaver Swamp Brook – a conference call was held with the Administrative Law Judge (ALJ), who asked if the parties were amenable to trying mediation on the discovery disputes. An initial meeting will be held in mid-December with another ALJ who would act as a mediator over these disputes. If and when these disputes are resolved, the matter would proceed to the Adjudicatory Hearing in January or February.

7. Discussion of the FY 2014 Budget

- Police Department Budget Review

A presentation on the 2014 Police Department Budget was made by Police Commissioner William Connors and Thomas Scappaticci. The budget is flat other than salary and benefits. The Police Department is made up of five departments: Administrative; Patrol; Investigative Unit; Marine Unit; and Parking Enforcement Unit. The department is also responsible for Crossing Guards. The total budget is approximately \$9,399,000 for 2014. Total salaries and benefits for 2014 are \$7.5 million. The portion of the budget under the control of the department is \$1.3 million (about 15%), which covers overtime and seasonal salaries; PBA contractual obligations (education and uniform maintenance allowances); and variable expenses that include such things as service contracts, computers and systems, patrol expenses, education and training office supplies, postage, etc. There is a \$400,000.00 change from the 2013 to 2014 budget, which is primarily due to salaries and benefits. There were also brief discussions regarding specific aspects of the budget including the change over to the new Crossing Guard service; parking revenues; education costs; police overtime; and the impacts of the recent arbitration award. Councilman Sack asked to be provided information regarding the budgeted costs for crossing guards for 2013 as well as for the actual costs; and for how payments will be made in connection with the recent police arbitration award.

- Rye Free Reading Room Budget Review

Chris Shoemaker, Director of the Rye Free Reading Room, made the presentation regarding the Library. He said there is a continued demand for library services and the library is on track to meet or exceed their goals. The Library has requested \$1.17 million in funding from the City, which is a \$60,000 increase. Hours of operation will be increased by 2.5 hours per week in 2014. They are working on upgrading their collections and network access and have been working with Harrison on coordinating programming efforts. Mr. Shoemaker also provided the Council with information comparing the Rye Free Reading Room with other libraries in the Westchester Library System.

8. Continuation of Public Hearing to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, “Definitions and Usage”, to amend the definition of “STORY, HALF”, and Section §197-43.2, Subsection B, “Attics” to amend the Calculation of Attics in Gross Floor Area

Councilwoman Brett provided a brief summary of a workshop that had been held the previous evening with representatives from the land use boards, homeowners and representatives of the development community in connection with the proposed legislation. She said it was a productive discussion that touched on four areas: aesthetic impacts; issues of non-conformity; financial impacts; and, other possible options for the City to consider. Ms. Brett said the Council needs to reach a consensus of how they want to proceed: to enact the law as proposed; enact only half of it; or, “grandfathering” old houses.

Paul Benowitz said that it is prudent to do something, but existing houses should not be included in any legislation that is adopted by the Council

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried to keep the public hearing open until the December 4th Council meeting.

9. Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV “Use Regulations” and Article VI “Appeals” to establish regulations regarding outdoor fire pits and outdoor kitchens

City Manager Pickup said that information was still pending from the Building Department.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to keep the public hearing open until the December 4, 2013 City Council meeting.

10. Public Hearing to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to open the public hearing on a draft local law to amend Chapter 177 “Taxation” by adding Article XII “Exemption for Historic Districts.”

Councilwoman Brett summarized the purpose of the proposed law as a proposal to provide a tax incentive to property owners who renovate and restore older houses and buildings rather than tearing down and rebuilding them and would require the City, working with the Landmarks Committee, to designate Historic Districts in order for properties to qualify for the incentive. Increases in taxes due to the renovation would be phased in over a ten year period with no increase in the first five years. Ms. Brett also explained the difference between creating a Historic District and “landmarking” a building.

Members of the public who spoke on the proposed local law included *Jack Zahringer and Mario Sax* of the Landmarks Committee, *Sheri Jordan*, Director of the Rye Historical Society, and *Doug Carey*. They all spoke in favor of the proposed local law saying it was a good way to preserve the historic character of the City and certain areas of the City; and, could encourage people to landmark their properties.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to keep the public hearing open until the December 4, 2013 City Council meeting.

11. Authorization for the City Manager to execute, on behalf of the City of Rye, a Payment in Lieu of Tax Agreement (PILOT) between Rye Manor, LLC and the Westchester County Industrial Development Agency (IDA)
Roll Call.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to defer this agenda item and schedule a special meeting of the City Council to consider it on November 25, 2013 at 8:00 a.m.

12. Residents may be heard on matters for Council consideration that do not appear on the agenda

Ken Ball made a presentation in opposition to the proposed Field House that is included in the SPI Plan for Playland. The presentation touched on the areas of building in a flood zone; the size of the proposed structure; the SEQRA process; impact on sewers; and recreation costs in the County Budget. Councilwoman Parker provided an update on issues related to the SPI proposal that is before the County Board of Legislators. She also said that the City needs to have more of a role in the decision process and that the Playland Advisory Committee is willing to take a more active role and will attend the SPI meeting scheduled for December 11th. Ms. Parker will also be meeting with the County Executive. Corporation Counsel Wilson said she is working on a letter to the County requesting that the City be considered an involved agency under SEQRA.

Mack Cunningham spoke about documents received by the City in connection with the SEQRA process for the SPI Plan for Playland. He said the report is 85-pages long and includes comments on parking management, impact to property values, flooding, and quality of life. He urged the Council to set up a committee regarding the field house structure and noted that no taxes will be paid to the City although the City's Police and Fire will be the first responders.

George Szczerba announced that the American Legion Rye Post and Women's Auxiliary are working on bringing back the Memorial Day parade. It would be held on May 26, 2014. He also noted that for approximately two weeks after Super Storm Sandy, Robert Martin and Jim Griffin worked directing traffic at the intersection of Forest Avenue and Playland Parkway and requested that they be given some sort of recognition by the Council.

13. Authorization for City Manager to enter into a Memorandum of Understanding with the County of Westchester to provide access to Westchester Records Online: the County Clerk's land records and legal files
Roll Call.

Councilwoman Brett made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into a Memorandum of Understanding with the County of Westchester to provide access to Westchester Records Online: the County Clerk's land records and legal files.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

14. Authorization for City Manager to enter into an agreement with the New York State Bureau of Marine Services for reimbursement of the cost of tow vehicles for Marine Patrol use
Roll Call.

This Agenda item was deferred and the City Manager was asked to provide the Council with more information on the history of the current vehicle, its utilization and the cost involved.

15. Acceptance of donation to the Rye Police Department of a twenty-foot overseas shipping container from Vincent Service Station, Inc. of Mamaroneck, New York
Roll Call.

Councilman Filippi made a motion, seconded by Councilwoman Park, to adopt the following Resolution:

WHEREAS, Vincent Service Station, Inc. desires to donate a twenty-foot overseas shipping container to the Rye Police Department; and

WHEREAS, the container will be used for the storage of equipment that has been acquired as part of the Police Department's emergency preparedness efforts; and

WHEREAS, the donation will enhance the Police Department's emergency management capabilities; now, therefore, be it

RESOLVED, that the City Council of the City of Rye accepts the aforementioned donation.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 6-0 vote.

Councilman Sack asked what the relationship was between the City and Vincent's Service Station and how the offer of the shipping container came about. The City Manager said he would look into it.

16. One appointment to the Technology Committee for a three-year term, by the Mayor with Council approval

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried to appoint Arthur Henderson to the Technology Committee for a three-year term expiring on January 1, 2016.

17. Appeal of denial of FOIL requests by Timothy Chittenden

Corporation Counsel Wilson said that the basis of the appeal is that the requestor believes that additional records exist.

Councilman Filippi made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

RESOLVED, that the Appeal of the response to a FOIL request submitted by Timothy Chittenden seeking “All records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009, and all W-2 issued to Pickup since January 1, 2009” is hereby denied.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi and Killian
NAYS: Councilmembers Parker and Sack
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 4-2 vote.

Corporation Counsel Wilson said that the requestor received the calendars, but not the records on the second side of the calendar, which is considered a separate record by the Police Department.

Councilwoman Brett made a motion, seconded by Councilman Sack, to adopt the following Resolution:

RESOLVED, that the Appeal of the response to a FOIL requested submitted by Timothy Chittenden seeking “Copies of all employee calendars for Police Officer Incalcaterra and Compagnone during their careers” is hereby granted and the additional records will be provided with the appropriate redactions.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Killian, Parker and Sack
NAYS: Councilman Filippi
ABSENT: Councilman Jovanovich

The Resolution was adopted by a 5-1 vote.

18. Miscellaneous Communications and Reports

Mayor French said that the audited 2012 numbers from Rye Town Park show a surplus of \$1,300.

19. Old Business

Councilwoman Brett said that there will be a flood meeting at the Airport on Monday, November 25 with County and Airport officials and the City's flood consultant.

20. New Business

Councilwoman Killian reported that the Sustainability Committee would like the City to join SWEAC (Sustainable Westchester Energy Action Consortium).

21. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 12:13 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk